

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 27

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE EMPLOYEE MEDICAL INFORMATION PROTECTION ACT; AMENDING TI-  
2 TLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 44, IDAHO  
3 CODE, TO PROVIDE A SHORT TITLE, TO SPECIFY THAT EMPLOYERS IN THE STATE  
4 OF IDAHO SHALL NOT ENGAGE IN DISCRIMINATION AGAINST CERTAIN PERSONS, TO  
5 CLARIFY TERMS, AND TO PROVIDE A PENALTY; PROVIDING SEVERABILITY; AND  
6 DECLARING AN EMERGENCY.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 44, Idaho Code, be, and the same is hereby amended  
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
11 ter 28, Title 44, Idaho Code, and to read as follows:

12 CHAPTER 28

13 EMPLOYEE MEDICAL INFORMATION PROTECTION ACT

14 44-2801. SHORT TITLE. This chapter shall be known and may be cited as  
15 the "Employee Medical Information Protection Act."

16 44-2802. DISCRIMINATION PROHIBITED. (1) It is unlawful for an em-  
17 ployer to fail or refuse to hire or to discharge any individual, or otherwise  
18 to discriminate against any individual with respect to compensation, terms,  
19 conditions, or privileges of employment, because such individual refuses  
20 to:

- 21 (a) Be vaccinated for a coronavirus;  
22 (b) Receive any vaccine made available under an emergency use autho-  
23 rization; or  
24 (c) Disclose whether the individual:  
25 (i) Is vaccinated for a coronavirus; or  
26 (ii) Has received a vaccination made available under an emergency  
27 use authorization.

28 (2) It is unlawful for any employer to limit, segregate, or classify em-  
29 ployees or applicants for employment in any way that would deprive or tend to  
30 deprive any individual of employment opportunities or otherwise adversely  
31 affect an employee's status because the individual refuses to:

- 32 (a) Be vaccinated for a coronavirus;  
33 (b) Receive any vaccine made available under an emergency use autho-  
34 rization; or  
35 (c) Disclose whether the individual:  
36 (i) Is vaccinated for a coronavirus; or  
37 (ii) Has received a vaccination made available under an emergency  
38 use authorization.

- 39 (3) For purposes of this chapter:

1 (a) "Employer" does not include the federal government, any federal  
2 agency, or any person, organization, or entity employing health care  
3 professionals for the purpose of providing health care services.

4 (b) "Health care professional" and "health care services" shall have  
5 the same meanings as provided in section 41-5903, Idaho Code.

6 (c) "Coronavirus" means:

7 (i) Severe acute respiratory syndrome coronavirus 2;

8 (ii) The disease caused by severe acute respiratory syndrome  
9 coronavirus 2; or

10 (iii) Any subsequently identified mutation, modification, or  
11 strain of coronavirus if the transmission of said virus among hu-  
12 mans rises to the level of an epidemic or pandemic and qualifies  
13 for an emergency declaration under applicable Idaho law.

14 (4) Each violation of this section by an employer shall constitute  
15 a misdemeanor punishable by a fine not to exceed one thousand dollars  
16 (\$1,000).

17 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
18 to be severable, and if any provision of this act or the application of such  
19 provision to any person or circumstance is declared invalid for any reason,  
20 such declaration shall not affect the validity of the remaining portions of  
21 this act.

22 SECTION 3. An emergency existing therefor, which emergency is hereby  
23 declared to exist, this act shall be in full force and effect on and after its  
24 passage and approval.